

UNITED STATES DEPARTMENT OF JUSTICE
FEDERAL BUREAU OF INVESTIGATION

Commission No. 1408

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Report of: ROBERT P. GEMBERLING
Date: 8/10/64

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Title: LEE HARVEY OSWALD

Character: INTERNAL SECURITY - RUSSIA - CUBA

Synopsis:

HOLLAND McCOMES, Dallas correspondent for "Life" Magazine, states he contacted HUGH AYNESWORTH, Reporter for "The Dallas Morning News," June 25 or 26, 1964, concerning purchase of copy of diary of OSWALD and was referred to AYNESWORTH's wife from whom he purchased copy of diary for \$2,500. Neither AYNESWORTH nor wife revealed source of diary. Thereafter, "Life" Magazine obtained permission from MARINA OSWALD for publication of diary for \$20,000 plus one half share of all foreign sales of the issue containing the diary. Additional inquiries made at Dallas Police Department and Dallas District Attorney's Office. Disposition of film and prints in possession of Dallas Police Department and Dallas District Attorney's Office summarized. FBI Laboratory examination of material obtained from HENRY WADE, Dallas District Attorney, Dallas, Texas, and copies of OSWALD's diary obtained from "Life" Magazine established that "Life" Magazine copies made from film obtained from Dallas District Attorney's Office.

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HEADERS (OMITTED) pp 3, 8, 14, 17, 20, 23, 25, 29. INDEX - pp. 32-35. YOU ALREADY HAVE PP. 10-11, 26-28, 30-31

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The following investigation supplements that included in the report of SA ROBERT P. GEMBERLING dated July 17, 1964, in instant captioned case which report contained only the results of investigation concerning the "Leak of Information Carried in 'The Dallas Morning News' on June 27 and 28, 1964," relating to the diary of LEE HARVEY OSWALD and certain other documents obtained by the Dallas Police Department during the search of OSWALD's residence at 1026 North Beckley Street, Dallas, Texas, and of his personal effects at 2515 West 5th Street, Irving, Texas, on November 22, 1963.

FEDERAL BUREAU OF INVESTIGATION

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Date 7/17/64

HOWARD McCOMBS was interviewed in his office, Room 1112 Republic National Bank Building, Dallas, Texas. Mr. McCOMBS stated he is the Dallas correspondent for "Life" magazine. He made telephonic contact with Mr. JOHN F. HOWD, General Counsel for "Life" magazine in New York City, for approval to furnish the FBI any information he had concerning the purchase of a copy of the diary of JEB HARVEY COWARD by "Life" magazine. After receiving this telephonic approval, Mr. McCOMBS stated he would furnish the FBI any information he had concerning the matter.

Sometime prior to June 25 or 26, 1964, McCOMBS learned from LARRY GROVE, a Reporter for "The Dallas Morning News," that the diary of COWARD was in existence. On about June 25 or 26, 1964, McCOMBS learned from GROVE that HUGH AYRESWORTH, a Reporter for "The Dallas Morning News," had a copy of the diary. McCOMBS explained that the existence of the diary did not "excite" him as it had been common knowledge among the news media that such a diary was in existence and was believed to be in possession of the President's Commission.

On June 25 or 26, 1964, McCOMBS telephonically contacted AYRESWORTH and told AYRESWORTH something to the effect that he, McCOMBS, had information that AYRESWORTH was in possession of a copy of the diary and wanted to know if AYRESWORTH could "ethically sell" a copy of the diary to "Life" magazine. This appeared agreeable to AYRESWORTH and McCOMBS asked AYRESWORTH if he would bring a copy of the diary to McCOMBS' office. AYRESWORTH told McCOMBS that he didn't have time and requested McCOMBS to come to AYRESWORTH's house, 729 North Buckner, Dallas. McCOMBS explained that it was a worry to himself and to his superiors in "Life" magazine that perhaps this was not the only copy which had been sold and that they were buying something that was not exclusive.

McCOMBS recalls that, during his contacts with AYRESWORTH by telephone, he was told by AYRESWORTH that McCOMBS should talk to AYRESWORTH's wife about the purchase of the copy of the diary.

McCOMBS advised he contacted Mrs. AYRESWORTH by phone and

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at first offered her a thousand dollars. He was advised by her that she knew a thousand dollars was not enough. McCOMBS requested her to find out about a price through discussion with her husband and, when he telephoned her again later that same night, he was told that the price was \$2,500. McCOMBS then received approval to pay this amount from his superiors in New York City. The next morning he went to the AYNESWORTH residence, where he met EVELA AYNESWORTH, the wife of HUGH AYNESWORTH. Except for the AYNESWORTH's small child, the only persons present in the house at that time or during the negotiations with Mrs. AYNESWORTH were Mr. McCOMBS and Mrs. AYNESWORTH. Mrs. AYNESWORTH had the twelve pages, constituting a copy of the diary, in the living room at the time. McCOMBS described them as being on legal-size paper and that they had a smooth finish and appeared to be a copy made from a Photostat or Recordak-type copying machine. These twelve pages were the only documents he observed in the possession of Mrs. AYNESWORTH.

McCOMBS offered to pay Mrs. AYNESWORTH with a \$2,500 check, but she advised she did not want a check and he asked her if a money order or cash would be sufficient and she replied, "A money order would be fine." A contract between Mrs. AYNESWORTH and McCOMBS, as a representative of "Life" magazine, was signed and was worded in such a way that neither "The Dallas Morning News" nor AYNESWORTH would sell any other copy. After receiving the copy of the diary, Mr. McCOMBS notified his New York Office with instructions to send a \$2,500 money order to Mrs. AYNESWORTH at her residence.

Mr. McCOMBS explained that he could understand why HUGH AYNESWORTH did not have time, at that particular time, to enter into negotiations, as AYNESWORTH was then undoubtedly preparing his story concerning the diary, which was published in "The Dallas Morning News" on June 27, 1964, and was thereby operating under a newspaper deadline. Mr. McCOMBS stated there was nothing secretive or, in his opinion, illegal in the dealings

with AYNESWORTH for the purchase of the copy of the diary. He advised he had no information as to AYNESWORTH's source for receiving the diary, nor did he ever ask AYNESWORTH, as he, McCOMBS, didn't want to know.

Mr. McCOMBS stated he had no information whatsoever that any representative of the FBI, United States Secret Service, the President's Commission, the Dallas Police Department, or the Dallas District Attorney's Office was responsible for the furnishing of a copy of the diary to anyone including AYNESWORTH.

After receiving the diary from Mrs. AYNESWORTH, McCOMBS and officials of "Life" magazine at New York City began worrying about the legalities of publishing it because the diary was not the property of AYNESWORTH but was, in his opinion, part of the estate of LEE HARVEY OSWALD and, therefore, the property of MARIA OSWALD. On June 30, 1964, THOMSON SCHAP, of "Life" magazine, New York City, flew to Dallas and, with McCOMBS, began negotiations with MARIA OSWALD through her attorney, BILL MCNEIL, to enter into a contract with MARIA, whereby "Life" magazine would be given permission to publish the diary. They contacted MARIA OSWALD and Mr. MCNEIL at MARIA's residence and it was the opinion of Mr. McCOMBS that at first MARIA, who didn't want anything to do with any magazine or newspaper, appeared to be humiliated by the existence of a diary. It was also McCOMBS' opinion, based on her actions and demeanor, that she did not know anything about the diary. The first offer made to MCNEIL and MARIA by "Life" magazine was for \$5,000. "Life" magazine desired to not only have permission to publish the diary but to obtain some photographs or snapshots in the possession of MARIA which had been taken in Russia. Because of MARIA's attitude towards the representatives of "Life" magazine and the news media in general, OSWALD and McCOMBS left the house and waited outside while MCNEIL, at the suggestion of MCNEIL, had a long discussion with MARIA. Also present was Mrs. JACOB WORD, who was acting as MARIA's interpreter.

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McCORMACK explained that the presses of "Life" magazine in Chicago were literally being held in abeyance for the signing of a contract with MARINA. Mr. McCORMACK stated he believes the final agreement was for MARINA to receive \$20,000, plus a one-half share of all foreign sales of the issue containing the diary, for which she would give permission to print the diary and five photographs. MARINA, through her attorney, wanted to know where "Life" magazine had obtained the diary. McCORMACK stated that, only after obtaining permission from Mrs. AYNESWORTH to disclose HUGH AYNESWORTH as the source from whom "Life" magazine obtained the diary, did he reveal this information to McCORMACK and MARINA.

FEDERAL BUREAU OF INVESTIGATION

1Date 8/5/64

Sergeant M.A. SUTHERLAND, Records Bureau, Dallas Police Department, advised that sometime in January 1964, he received orders from Deputy Chief GEORGE L. LUMPKIN to take the two original rolls of 35 millimeter Recordak film to the Recordak Company and have two positive copies made of this film. Sergeant SUTHERLAND advised he did this and, after the work was completed at the Recordak Company, he returned the original two rolls of film and the two positive prints to Chief LUMPKIN's office. He stated he did not know the reason or the purpose of this copying work as he was acting under orders of a Deputy Chief of Police.

He advised that his office presently has one positive copy of this Recordak Film which they maintain in a locked file drawer, and that Chief LUMPKIN is in possession of the original two rolls of Recordak film and one positive copy.

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by Special Agent ROBERT H. BARRETT/DB Date dictated 8/5/64

FEDERAL BUREAU OF INVESTIGATION

1Date 8/7/64

Lieutenant JOHN C. DAY, Dallas Police Department Crime Laboratory, advised he recalled, although no record was ever kept, that on several occasions, either Captain O. T. SLAUGHTER or Sergeant M. A. SOMMERLAND, or Patrolman H. L. CRAIGHEAD, all of whom are assigned to the Records Bureau of the Dallas Police Department, brought a 35 millimeter negative film to the Crime Laboratory. They would project this film and thereafter copy certain portions as requested by one of these officers. This copying work would normally consist of a few frames of film.

Lieutenant DAY stated he does not recall the number of copies ever made at one time, but that it would be the number requested by one of the officers. He stated he had no idea as to the reason or purpose of this copy work, nor what was done with the copies made by the Police Department Crime Laboratory.

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FEDERAL BUREAU OF INVESTIGATION

Date 8/8/641

Captain WILL FRITZ, Homicide and Robbery Bureau, Dallas Police Department, advised that on three or four occasions, the exact number unknown or unrecalled, he has requested the Records Bureau of the Dallas Police Department to have certain portions of a 35 mm Recordak film copied by the Identification Bureau of the Dallas Police Department. The work in the Identification Bureau would have been under the supervision of Lieutenant J. C. DAY. He stated that the portions copied would have been needed in connection with the investigation of the assassination of President JOHN FITZGERALD KENNEDY and the subsequent murder of LEE HARVEY OSWALD by JACK RUBY which was investigated by the Dallas Police Department, Homicide and Robbery Bureau. He advised that all of the copies made of portions of the film are still in his possession and kept under lock and key in his office. He also added that copying of these portions was necessary in view of the fact that the original evidence seized by the Dallas Police Department which had been the property of OSWALD had been turned over to the Federal Bureau of Investigation after being photographed in the above-described 35 mm Recordak film. He stated, therefore, the only thing he could use in viewing this evidence were copied portions of the film. He further stated he could not recall which portions of the film had been copied at his request and did not recall if the diary of LEE HARVEY OSWALD had ever been copied.

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FEDERAL BUREAU OF INVESTIGATION

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Date 8/7/64

Mr. RUSSELL W. POLLARD, residence 1623 Heather Glen Drive, Dallas, advised he is the Production Supervisor at the Recordak Company, 1605 Stemmons Freeway, Dallas.

Mr. POLLARD advised that there would be no such thing as a "false run" on any hard copy paper prints made from a 35 millimeter film. He explained that the two rolls of film received by him on June 2, 1964, from WILLIAM F. ALEXANDER were negative copies. Because of this and because of the order placed with the company by ALEXANDER, a positive and a negative copy were then made from the original negative. The original negative copies were immediately returned to ALEXANDER on June 2, 1964. The positive and negative copies retained by the Recordak Company were part of the package delivered to ALEXANDER on June 9, 1964, and which were picked up by the messenger from the Dallas County Clerk's office, C. D. LEE.

He explained that the negative copy made from the original negative was the one used in the reproduction of the hard copy paper prints and that 600 prints in total were made, three each of the 200 frames exposed in the original negative.

Mr. POLLARD stated that whenever there is a false run made on the movie film or the original negative, a record is maintained as he must account for all wastage. He stated there is no such record in connection with the transaction with the District Attorney's office and that he recalled no false run having been made. He believes Mr. ALEXANDER may have been mistaken when the original negative on June 2, 1964, was taken into the processing room by another employee prior to the arrival of Mr. POLLARD and then returned by this employee to Mr. POLLARD after he arrived and talked to Mr. ALEXANDER.

Mr. POLLARD recalled that when he shipped the package containing the positive and negative film copies and the hard copy paper prints had been given to C. D. LEE for delivery, he

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made two telephone calls, one to LEO EARNHART, and the other to Mr. WILLIAM F. ALEXANDER. He told Mr. EARNHART to have LEE immediately deliver the package to Mr. ALEXANDER upon his arrival at the County Clerk's office and not to open it. He called Mr. ALEXANDER as a double check and advised him that LEE had picked up the package.

Mr. POLLARD stated that the company records show that a total of five positive copies of the film meeting the standards of the company had been reproduced from the original negative in possession of the Dallas Police Department. Three copies were made on December 2, 1963, and at that time one poor copy or test copy was also furnished to the Dallas Police Department at no cost. On January 7, 1964, two positive copies were made, thus making a total of six positive copies. From the original negative copy furnished by Mr. ALEXANDER, a negative and a positive copy were made, as well as the hard copy paper prints.

FEDERAL BUREAU OF INVESTIGATION

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Date 8/5/64

MILLARD SWEATT, residence 8373 San Fernando Drive, Dallas, advised he is employed as an investigator by District Attorney HENRY WADE, Dallas.

SWEATT recalls that sometime in June, 1964, when Assistant District Attorney WILLIAM F. ALEXANDER was making preparations to go on his vacation, ALEXANDER was explaining his, ALEXANDER's, file set-up so that if, in his absence, anything was needed from his office, Mr. SWEATT could locate it. SWEATT recalled ALEXANDER picking up a package which was about three inches thick, about twelve inches wide and about fourteen inches or fifteen inches long. This was a package wrapped in brown Manila paper and sealed with brown paper tape. It was unopened. ALEXANDER started to make reference to this package as some "photostats," but then stated that Mr. WADE had a copy.

After a story appeared in "The Dallas Morning News" concerning the diary of LEE HARVEY OSWALD which SWEATT read on June 23, 1964, and after the return of District Attorney HENRY WADE from Seattle, Washington, at about the same time, SWEATT received instructions from WADE to take everything out of ALEXANDER's office which pertained to JACK L. RUBY and LEE HARVEY OSWALD.

SWEATT found in one unlocked drawer the above-described sealed package and in another drawer a small box measuring about four inches by four inches which contained some movie film about an inch wide. In a third unlocked drawer he found a red cardboard folder in which there were numerous "photostats." He glanced through these "photostats" and saw the name "OSWALD" on one and on another saw that appeared to be some copies of photographs. He took these three items and gave them to Mr. WADE. Mr. WADE informed him that there was another box of film in ALEXANDER's office. SWEATT explained to Mr. WADE that two of the cabinets in ALEXANDER's office were locked.

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At Mr. WADE's instructions, SWEATT contacted ALEXANDER at home by telephone and was advised by ALEXANDER that there was another box of film in one of the locked cabinets. SWEATT stated he never saw this other box of film and had no information as to what was contained in the film or the "photostats" other than what he described above.

Mr. SWEATT stated he could not recall what date he picked up the above items from ALEXANDER's office, but believed that this occurred two or three days after the story appeared in the newspaper.

Mr. SWEATT stated he had no information whatsoever that any representative of the FBI, the President's Commission, the U. S. Secret Service, the Dallas Police Department, the Dallas District Attorney's office or anyone else was responsible for any unauthorized release of the documents or "photostats" to any news media.

FEDERAL BUREAU OF INVESTIGATION

1

Date 8/7/64

CLARENCE BOOKER T. LEE, residence 2515 Crossman Street, Dallas, advised he is also known by the nickname of "General," and is frequently referred to as "C. D." LEE.

Mr. LEE stated he is employed as a deputy clerk in the Dallas County Clerk's office and that his duties consist mostly of making deliveries and general clerical work.

Mr. LEE recalled that sometime in the early part of June 1964, he had gone to the Recordak Company on Stemmons Freeway to pick up some packages which were ready for delivery to the County Clerk's office. Someone, whose name he does not know, at this company told him there was a package ready for the District Attorney's office and instructed LEE to take it to the District Attorney's office.

LEE brought the package to the County Clerk's office without any stops en route. He noticed that the package was addressed to the District Attorney's office and believes that the name of Assistant District Attorney WILLIAM F. ALEXANDER was in the address.

Mr. LEE advised he talked to Deputy Clerk LEW EARNHART and was instructed by EARNHART to take the package directly to Mr. ALEXANDER. LEE advised he took it to Mr. ALEXANDER's office and personally gave it to Mr. ALEXANDER. He did not observe ALEXANDER open the package as he left immediately after delivering it. Mr. LEE believed that the package measured about six inches high by fifteen inches long by twelve inches wide. He stated that it was one package and he was of the opinion that it was wrapped in brown wrapping paper, which is the way that packages are usually wrapped by the Recordak Company.

Mr. LEE stated that this package was not opened or tampered with at any time it was in his possession, and it was in the same condition at the time he gave it to Mr. ALEXANDER as it was when he picked it up at the Recordak Company. He

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advised this was the only time he had ever picked up anything
for the District Attorney's office at the Recordak Company.

FEDERAL BUREAU OF INVESTIGATION

1Date 8/8/64

MARINA OSWALD was interviewed at her residence, 629 Belt Line Road, concerning the publication of the LEE HARVEY OSWALD diary. She was questioned concerning her statement that HUGH AYNESWORTH, a Reporter for "The Dallas Morning News" had asked her about the OSWALD diary in an interview which he had had with MARINA. MARINA said that on this occasion AYNESWORTH had asked her some questions about the OSWALD diary. She repeated that she told AYNESWORTH she did not care to discuss the diary. She said she could not remember exactly what she and AYNESWORTH had said in this regard. She said she may have told him that she might want to use the diary in some book that she might write or that she would never want the diary published. She cannot remember the exact conversation. She does remember that she did not mention to AYNESWORTH that the President's Commission was studying the diary.

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